

REMARKS

Status of Claims:

Claims 7-13, 24, 30-36, 56-93, and 95-97 are pending in the present application. Claims 56-93 and 96 and 97 have been withdrawn from consideration; claims 24 and 95 have been indicated by the Examiner as allowable; and claim 31 has been objected to. By way of this amendment, claims 7, 12, and 31 have been amended. Support for the amendments may be found in the original claims.

Claim Rejections Under 35 U. S. C. §112:

Claims 32 and 33 stand rejected under 35 U. S. C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner suggests that in both claims the term "further" should be recited before "comprises". Applicants respectfully traverse the rejection in view of the present amendment. Claim 7, from which claims 32 and 33 ultimately depend, has been amended to recite positively that the reactive hydrogen material further comprises a polyamine represented by any of several general formulae (A), (B), and (C). Claims 31-33 each positively recite diamines having specific structures that correspond, respectively, to (A), (B), and (C) in claim 7. Reconsideration and withdrawal of the rejection under 35 U. S. C. §112, second paragraph, are respectfully requested.

Claim Rejections Under 35 U. S. C. §102(b):

Claims 7-10, 12-13, 30 and 36 were rejected under 35 U. S. C. §102(b) as being anticipated by Miranda. Claims 7-10, 12-13, 30 and 36 were also rejected under 35 U. S. C. §102(b) as being anticipated by Kobayashi.

Regarding the Miranda reference, the Examiner asserts that the Miranda reference discloses a polymerizate derived from a polymerizable organic composition comprising an acrylate monomer containing at least one acryloyl group and thiourethane linkages. The Examiner asserts that the reference further teaches the use of vinyl pyrrolidone, which reads on monoethylenically unsaturated monomers. According to the Examiner, the reference further teaches that the acrylate monomer is prepared by reacting a polythiol monomer with a diisocyanate, using n moles of diisocyanate to react with 1 mole of polythiol containing n moles of thiol groups, wherein the polythiol may be trimethylolpropane tris(mercaptopropionate), pentaerythritol tetrakis(mercaptopropionate), trimethylolpropanol tris(thioglycolate), and the like.

With respect to the Kobayashi reference, the Examiner asserts that the reference discloses a polymerizate derived from a composition comprising a sulfur-containing O-(meth)acrylate compound represented by Formula (1) containing thiourethane linkages. Isocyanate compounds containing one or more sulfur atoms in the backbone can be used. Additives such as ultraviolet light absorbers, anti-coloring agents, polymerization initiators, and polythiol compounds can also be used. Articles such as lenses may be manufactured from the polymerizates.

Applicants respectfully disagree with the Examiner's rejections and conclusions regarding the above claims in view of the present amendment. Applicants submit that the bases on which the claims were rejected are not valid rejections under 35 U. S. C. §102(b). A claim can anticipated under 35 U.S.C. §102 only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference," Verdegaal Bros. v. Union Oil Co. of California. 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Neither the Miranda nor the Kobayashi reference teaches or suggests polymerizable organic compositions or polymerizates prepared therefrom, the polymerizable compositions comprising one or more radically polymerizable monomers, at least one of which is a first monomer having at least two (meth)acryloyl groups and comprising one or more backbone linkages selected from the group consisting of thiourethane linkages and dithiourethane linkages, wherein a precursor of said first monomer is prepared from the reaction of a reactive hydrogen material comprising a polythiol having at least two thiol groups, and a monomer having at least two functional groups selected from at least one of the group consisting of isocyanate and isothiocyanate, and wherein the reactive hydrogen material further comprises a polyamine, as recited in the present claims. There is no teaching or suggestion in either reference to include polyamines as reactive hydrogen materials in the preparation of the polymerizable organic compositions recited in the present claims.

Reconsideration and withdrawal of the rejections are respectfully requested.

Applicants assert that the claims have been amended to overcome all of the Examiner's objections and rejections under 35 USC §§112 and 102(b). Applicants believe that the application now is in condition for allowance.

Respectfully submitted,

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